

10-22-04

JFW

Express Mail No. EV519865651US

INFORMATION DISCLOSURE STATEMENT	
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket GTIN-007
First Named Inventor KADAN, MICHAEL	
Application Number 10/824,796	
Confirmation No. 6667	
Filing Date April 14, 2004	
Group Art Unit 1646	
Examiner Name	
Title: "METHOD FOR PRODUCTION OF ONCOLYTIC ADENOVIRUSES"	



Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. A Form PTO-SB/08A listing the references and copies of the cited references accompany this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one of the above references constitutes prior art to the present application within the meaning of 35 U.S.C. §102.

As applicants have not yet received a first Action on the merits, no fee is believed to be required for filing this Disclosure Statement. If, however, the PTO finds that for some reason a fee is due, our Deposit Account No. 50-0815, Order No. GTIN-007 may be charged thereon.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: October 20, 2004

By: Pamela J. Sherwood
Pamela J. Sherwood
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231



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REQUEST TO WITHDRAW AS ATTORNEYS OF RECORD UNDER 37 C.F.R. §1.36 Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	GTIN-007
	First Named Inventor	KADAN, MICHAEL
	Application Number	10/824,796
	Filing Date	April 14, 2004
	Group Art Unit	1646
	Examiner Name	

Dear Sir:

I, Pamela J. Sherwood, attorney of record in the subject patent application, hereby request that the Patent Office approve this request for withdrawal from representation of the applicant of the above-identified application as requested by the applicant's instructions of September 23, 2004 (copy attached). This request is being made by the requester, Pamela J. Sherwood, for him/her self and on behalf of all attorneys/agents of record, namely:

Name	Reg. No.	Name	Reg. No.
Karl Bozicevic	28,807	Pamela J. Sherwood	36,677
Bret E. Field	37,620	James Keddie	48,920
Carol L. Francis	36,513	Paula A. Borden	42,344
Carol M. LaSalle	39,740	Edward Baba	52,581

And all attorneys and agents associated with the customer number 24353.

The mailing address for the withdrawing attorneys/agents is as follows:

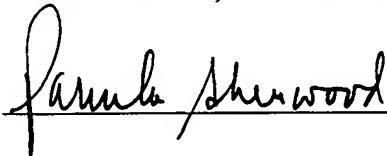
BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303

Please direct all future correspondence to the applicant at the address below.

Steve Kelber
Piper Rudnick
1200 Nineteenth Street NW
Washington, DC 20036-2412
(202) 861-6675

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

By:



Date: October 20, 2004

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission **11 + refs.**

Application Number **10/824,796**

Filing Date **April 14, 2004**

First Named Inventor **KADAN, MICHAEL**

Group Art Unit **1646**

Examiner Name

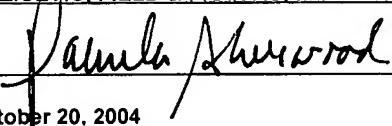
Attorney Docket Number **GTIN-007**

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <ol style="list-style-type: none">1. Form PTO/SB/08A2. Copies of cited references3. Request to Withdraw POA4. Copy of client request dated Sept. 23, 20045. Postcard
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)	PAMELA J. SHERWOOD, 36,677 BOZICEVIC, FIELD & FRANCIS, LLP
Signature	
Date	October 20, 2004

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

5

Complete if Known

Application Number	10/824,796
Filing Date	April 14, 2004
First Named Inventor	KADAN, MICHAEL
Art Unit	1646
Examiner Name	N/A

Attorney Docket Number

GTIN-007

U.S. PATENT DOCUMENTS

Examiner Initials'	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5677178	10-14-1997	McCormick, F.	
		US- 5698443	12-16-1997	Henderson	
		US- 5770442	06-23-1998	Wickham	
		US- 5801029	09-01-1998	McCormick, F.	
		US- 5830686	11-03-1998	Henderson	
		US- 5891690	11-30-1999	Massle	
		US- 5994128	11-30-1999	Fallaux	
		US- 5998205	12-07-1999	Hallenbeck	
		US- 6033908	03-07-2000	Bout	
		US- 6365394	04-02-2002	Gao	
		US- 6432700	08-20-2002	Henderson	
		US- 6436394	08-20-2002	Henderson	
		US- 6495130	12-17-2002	Henderson	
		US- 6551587	04-22-2003	Hallenbeck	
		US- 6585968	07-01-2003	Little	
		US- 6638762	10-28-2003	Chang	
		US- 6676935	01-13-2004	Henderson	
		US- 6692736	02-17-2004	Yu	
		US- 20010053352	12-20-2001	Yu	
		US- 20020120117	08-29-2002	Zhang	
		US- 20020136707	09-26-2002	Yu	
		US- 20020192187	12-19-2002	McClelland	
		US- 20030026792	02-06-2003	Lamparsky	
		US- 20030068307	04-10-2003	Yu	
		US- 20030152553	08-14-2003	Henderson	
		US- 20030039633	02-27-2003	Yu	
		US- 20030104625	06-05-2003	Cheng/Ennist	

FOREIGN PATENT DOCUMENTS

Examiner Initials'	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² -Number ⁴ -Kind Code ⁵ (if known)				

Examiner
Signature

Date
Considered

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<p>Substitute for form 1449B/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>				Complete if Known	
				Application Number	10/824,796
				Filing Date	April 14, 2004
				First Named Inventor	KADAN, MICHAEL
				Group Art Unit	1646
Examiner Name					
Sheet	2	of	5	Attorney Docket Number	GTIN-007

FOREIGN PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ —Number ⁴ —Kind Code ⁵ (if known)				
		WO 00/15820	03-23-2000	YU		
		WO 02/067861	09-08-2000	CHENG		
		WO 02/068627	09-06-2002	GORZIGLIA		
		WO 03/07859	01-30-2003	YU		
		WO 03/104476	12-18-2003	BOWE		
		WO 04/042025	05-21-2004	YU		
		WO 92/03563	03-05-1992	GLAZFNBR		
		WO 95/19434	07-20-1995	HENDRSO		
		WO 95/34671	12-21-1995	KOVFSDI		
		WO 96/17053	06-06-1996	HALLENREC		
		WO 96/18418	06-20-1996	KADAN		
		WO 98/13499	04-02-1998	NEMEROW		
		WO 98/39464	09-11-1998	HENDRSO		
		WO 98/39465	09-11-1998	LITTI F		
		WO 98/39466	09-11-1998	YU		
		WO 98/39467	09-11-1998	LAMPARSKY		
		WO 99/06576	02-11-1999	YU		
		WO 99/25860	05-27-1999	CHANG		

OTHER ART—NON PATENT LITERATURE DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				
		BLACKWOOD et al., GOING THE DISTANCE: A CURRENT VIEW OF ENHANCER ACTION, Science, 1998, 281:60-63				
		DORONIN et al., TUMOR-SPECIFIC, REPLICATION-COMPETENT ADENOVIRUS VECTORS OVEREXPRESSING THE ADENOVIRUS DEATH PROTEIN, Journal of Virology, 2000, 74(13):6147-6155				
		DORONIN et al., TISSUE-SPECIFIC, TUMOR-SELECTIVE, REPLICATION-COMPETENT ADENOVIRUS VECTOR FOR CANCER GENE THERAPY, Journal of Virology, 2001, 75(7):3314-3324				

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		DORONIN et al., OVEREXPRESSION OF THE ADP (E3-11.6K) PROTEIN INCREASES CELL LYSIS AND SPREAD OF ADENOVIRUS, Virology, 2003, Jan 20;305(2):378-87.		
		FALLAUX et al., NEW HELPER CELLS AND MATCHED EARLY REGION 1-DELETED ADENOVIRUS VECTORS PREVENT GENERATION OF REPLICATION-COMPETENT ADENOVIRUSES, Human Gene Therapy, 1998, 9:1909-1917		
		GRAHAM et al., CHARACTERISTICS OF A HUMAN CELL LINE TRANSFORMED BY DNA FROM HUMAN ADENOVIRUS TYPE 5, J. Gen. Virol., 1977, 36:59-72		
		HABIB et al., E1B-DELETED ADENOVIRUS (d1520) GENE THERAPY FOR PATIENTS WITH PRIMARY AND SECONDARY LIVER TUMORS, Human Gene Therapy, 2001, 12:219-226		
		HeLa-S3 -ATCC number CCL-2.2		
		JAKUBCZAK et al., CONSTRUCTION AND CHARACTERIZATION OF ONCOLYTIC ADENOVIRUSES, Molecular Therapy, 2001, 3(5):Abstract 442		
		KIM et al., DEVELOPMENT OF A PACKAGING CELL LINE FOR PROPAGATION OF REPLICATION-DEFICIENT ADENOVIRUS VECTOR, Exp. Mol. Med., 2001, 33(3)145-9		

Examiner Signature	Date Considered
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				Group Art Unit	1646
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Sheet	4	of	5	Attorney Docket Number	GTIN-007

OTHER ART—NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), <small>publisher city and/or country where published</small>	T ²
		KRUYT et al., TOWARD A NEW GENERATION OF CONDITIONALLY REPLICATING ADENOVIRUSES: PAIRING TUMOR SELECTIVITY WITH MAXIMAL ONCOLYSIS, Human Gene Therapy, 2002, 13(4):485-495	
		KWONG et al., COMBINATION THERAPY WITH SUICIDE AND CYTOKINE GENES FOR HEPATIC METASTASES OF LUNG CANCER, Chest, 1997, 112(5):1332-1337	
		NEMUNAITIS et al., SELECTIVE REPLICATION AND ONCOLYSIS IN p53 MUTANT TUMORS WITH ONYX-015, AN E1B-55Kd GENE-DELETED ADENOVIRUS, IN PATIENTS WITH ADVANCED HEAD AND NECK CANCER: A PHASE II TRIAL, Cancer Research, 2000, 60:6359-6366	
		RUSSELL, UPDATE ON ADENOVIRUS AND ITS VECTORS, Journal of General Virology, 2000, 81:2573-2604	
		SAUTHOFF et al., DELETION OF THE ADENOVIRAL E1b-19Kd GENE ENHANCES TUMOR CELL KILLING OF A REPLICATING ADENOVIRAL VECTOR, Human Gene Therapy, 2000, 11:379-388	
		SCHIEDNER et al., EFFICIENT TRANSFORMATION OF PRIMARY HUMAN AMNIOCYTES BY E1 FUNCTIONS OF Ad5: GENERATION OF NEW CELL LINES FOR ADENOVIRAL VECTOR PRODUCTION, 2002, Human Gene Therapy, 11:2105-2116	

Examiner Signature	Date Considered
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				Filing Date	April 14, 2004
				First Named Inventor	KADAN, MICHAEL
				Group Art Unit	1646
				Examiner Name	
				Attorney Docket Number	GTIN-007

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		T ²		
		SMITH et al., TRANSCRIPTIONAL REGULATION OF MAMMALIAN GENES IN VIVO, 1997, J. Biol. Chem. 272:27493-27496		
		STEINWAERDER et al., INSULATION FROM VIRAL TRANSCRIPTIONAL REGULATORY ELEMENTS IMPROVES INDUCIBLE TRANSGENE EXPRESSION FROM ADENOVIRUS VECTORS IN VITRO AND IN VIVO, Gene Therapy, 2000, 7(7):556-567		
		YU et al., SELECTIVELY REPLICATING ONCOLYTIC ADENOVIRUSES AS CANCER THERAPEUTICS, Current Opinion in Molecular Therapeutics, 2002, 4(5), pp: 435-443		

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September 23, 2004

Karl Bozicevic
Bozicevic, Field & Francis LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303

COPY

Dear Karl:

We have really enjoyed working with your firm, however, as previously discussed, due to a change of circumstances, Cell Genesys would like to transfer the patent work currently handled by your firm to Steve Kelber's group at Piper Rudnick. Pam Sherwood will be working with Linda Judge to insure that all actions with due dates through October 15, 2004 are completed prior to the transfer. Pam has agreed to provide a current docket and status report at the time of shipment.

Please forward all Cell Genesys patent files to Piper Rudnick at the address provided below such that all cases are shipped by October 15, 2004. Our understanding of the list of cases to be transferred is attached. Please provide a list of the cases actually shipped at the time of transfer.

Please ship the cases to:

Steve Kelber
Piper Rudnick
1200 Nineteenth Street NW
Washington, DC 20036-2412
(202) 861-6675

RECEIVED

SEP 27 2004

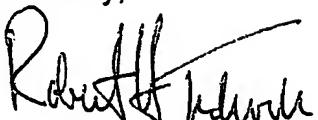
Bozicevic, Field, & Francis

Please notify Maria Chuakay at Cell Genesys of the details regarding shipment prior to shipping the files. She can be reached at 650-266-3005 or at maria.chuakay@cellgenesys.com.

CELL GENESYS

Thank you.

Sincerely,



Robert H. Tidwell
Senior Vice-President
Corporate Development

Cc: Steve Kelber